



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR**

**TEXT AMENDMENTS TO YMC 15.02 DEFINITIONS, AND TABLE 4-1 PERMITTED LAND
USES ADDING THE USE OF "MISSION" TO THE CITY'S URBAN AREA ZONING
ORDINANCE
June 24, 2015**

WHEREAS

The City of Yakima Hearing Examiner established a use and definition for a "Mission" in two Use Interpretations in 1992 and 1995 (City of Yakima Interpretations INT#1-92, and INT#2-95). Defining a "mission" as "...a facility typically owned or operated by a public agency or non-profit corporation, providing a variety of services for the disadvantaged, typically including but not limited to temporary housing for the homeless, dining facilities, health and counseling activities, whether or not of a spiritual nature, with such services being generally provided to the community at large."; and

WHEREAS

The City of Yakima Hearing Examiner also provided via the previous interpretations, that a "mission" should be allowed in the General Commercial (GC), Central Business District CBD), and Light Industrial Zoning Districts (M-1) as Class (2) Uses requiring Type (2) Review; and

WHEREAS

The City of Yakima recognized that it did not have adequate zoning controls in place to appropriately site a mission or other homeless service, thereby adopting a six month moratorium on October 21, 2014, (ORD No. 2014-027) regarding operation of mission, community center, boarding house, comprehensive community health center, and multi-purpose community center uses in the Small Convenience Center (SCC) zoning district; and

WHEREAS

The City of Yakima City Council directed that the Yakima Planning Commission draft development regulations which appropriately regulate uses such as missions, community centers and mixed use building, boarding houses, comprehensive community health centers, and multi-purpose community centers; and

WHEREAS

On October 22, 2014, prior to the moratorium becoming effective Yakima Neighborhood Health Services requested an interpretation for a proposal to operate a community center providing public assistance services in the form of a food bank, health and social services, laundromat facility, and temporary homeless warming shelter in the SCC zoning district; and

WHEREAS

The Yakima Planning Commission held study sessions to review and discuss the City Council moratorium, and issue of mission, community center, boarding house, comprehensive community health center, and multi-purpose community center uses in the SCC and other

zoning districts of the City on: December 10, 2014, January 14, 2015, February 11, 2015, and February 25, 2015; and

WHEREAS

The Yakima Planning Commission gave direction at its February 25, 2015, meeting that it had sufficient opportunity to review the Hearing Examiner's interpretations, mission definition, permitted zoning designations, and district intent statements, and requested that City Planning staff schedule the public hearing for consideration of the Hearing Examiner's use interpretations; and

WHEREAS

The City of Yakima last amended the Yakima Urban Area Zoning Ordinance in January 2015; and

WHEREAS

Proposals to amend the City of Yakima's Urban Area Zoning Ordinance (YUAZO) follow the City's established process in YMC § 15.23.020(B) and YMC Title 16.

WHEREAS

Pursuant to RCW 36.70A.130(1) the City is required to regularly take legislative action to review and revise its development regulations in accordance with the Growth Management Act; and

WHEREAS

Under the provisions of YMC 1.42 the Yakima Planning Commission is responsible for the review of amendments to the Yakima Urban Area Zoning Ordinance and for recommending to the City Council the approval, modification or denial of each amendment; and

WHEREAS

The City of Yakima Planning Commission is charged with periodically reviewing all zoning and use interpretations issued by the City of Yakima Hearing Examiner under YMC 1.42.030 to consider their inclusion or exclusion from the Yakima Municipal Code; and

WHEREAS

Public notice of these amendments was provided in accordance with the provisions of YMC § 15.11.090, and YMC § 16.05.010 – 050. All property owners within three hundred feet of an SCC zoning district were mailed a Notice of Public Hearing on March 6, 2015, a legal ad in the Yakima Herald was also published on March 6, 2015; and

WHEREAS

The City of Yakima Planning Division initiated Environmental Review for this proposal on March 5, 2015, both preparing a State Environmental Policy Act Checklist (SEPA), and issuing the Notice of Application and Environmental Review on March 9, 2015; and

WHEREAS

Environmental Review of this proposal was concluded on April 13, 2015, with the issuance of a Determination of Non-Significance Notice of Retention of which the SEPA appeal period ended on April 27, 2015; and

WHEREAS

The recommendation for these amendments are based upon the criteria specified in YMC §§ 16.10.040 and 15.22.050; and

WHEREAS

The Yakima Planning Commission reviewed the district intent statements and development standards of the CBD, GC, M-1, SCC, and LCC zoning districts (listed below) to determine if the use of a "Mission" and "Community Resource Service Center" are appropriate; and

WHEREAS

The Yakima Planning Commission held its required open record public hearing on March 25, 2015, providing opportunity for the public to comment on the draft amendments; and

WHEREAS

The Yakima Planning Commission heard from twelve members of the public regarding the proposed amendments; and

WHEREAS

After hearing from the public, the Yakima Planning Commission deliberated on the amendments proposed for incorporation into YMC § 15.02 Definitions, and YMC § 15.04 Table 4-1 Permitted Land Uses as identified below:

"Mission":

1. The Planning Commission found that the "Mission" use as defined by the City's Hearing Examiner's 1992 and 1995 decisions appropriately defined a "Mission";
2. The definition of a "Mission" meets the zoning district intent statements of the General Commercial (GC), Central Business District CBD), and Light Industrial Zoning Districts (M-1); and
3. The Class (2) Review process is the appropriate level of review in the above mentioned zoning districts; and

WHEREAS

The Planning Commission by unanimous vote recommend:

1. Approval of the "Mission" Text Amendment request as set forth in the Hearing Examiner's 1992 and 1995 decisions; and
2. That the proposed "Community Resource Service Center" Text Amendment should be separated from consideration of the "Mission" use, and scheduled for a study session on April 8, 2015, as the proposal did not contain sufficient information to be appropriately reviewed; and

WHEREAS

The Yakima Planning Commission concluded its consideration of the "Mission" Text Amendment on March 25, 2015, forwarding its recommendation with findings of fact, and conclusions to the Yakima City Council (attached); and

WHEREAS

After appropriate public notice was provided in accordance with the procedures of the City of Yakima, by the Yakima City Clerk, the City of Yakima City Council in an open record hearing on

May 19, 2015, took public testimony regarding the proposed “Mission” ordinance, and considered the City of Yakima Planning Commission’s recommendation to approve the proposed ordinance; and

WHEREAS

After considerable deliberation on the proposed ordinance, the Yakima City Council found that more public input and involvement was desired from property owners along N. 1st Street, and that the Planning Commission should consider increasing the level of review of a “Mission” use from a Type (2) review to that of a Type (3) review, and by a vote of 5 to 0 remanded the proposed ordinance back to the Planning Commission; and

WHEREAS

The Yakima City Planning Commission was notified of the council’s action and direction on the proposed ordinance on May 27, 2015, to which the Planning Commission held an initial study session to discussions their initial options to address the councils request; and

WHEREAS

At the conclusion of the May 27, 2015, study session, and following discussion with city staff, the City Planning Commission found that it may be possible to increase the level of review of a land use without increasing the uses burden of compatibility or class of use, and directed City staff to bring back a revised ordinance at their next meeting accomplishing this objective; and

WHEREAS

On June 10, 2015, the Yakima City Planning Commission held a second study session regarding the remand of the “Mission” use ordinance at which the City Planning and Legal divisions submitted a two page staff report outlining the issues requested to be addressed, background on the history of the proposed use, staff suggested amendments, and a revised draft definition of the “Mission” use. The Yakima Planning Commission took significant public testimony from members of the public including: the Union Gospel Mission, Gateway Organization, and business and property owners along N. 1st Street. At the conclusion of the study secession, the Planning Commission directed city staff to proof the draft definition, revise the proposed ordinance, and schedule the public hearing for June 24, 2015; and

WHEREAS

On June 11, 2015, the City of Yakima Planning Division in accordance with YMC Title 16 provided public notice for the proposed Planning Commission remand hearing which included: 1) written notice to parties of record, 2) email to city divisions and media, and 3) Legal add in the Yakima Herald; and

WHEREAS

On June 24, 2015, the City of Yakima Planning Commission opened the required remand hearing, received additional public input on the proposed ordinance changes, further deliberated

on the City Council's request to increase the level of review for a "Mission" use to that of a Type (3) Review, and made the following findings; and

Now therefore, the Yakima City Planning Commission presents the following findings and recommendations to the Yakima City Council:

Based upon a review of the information contained in the City of Yakima Hearing Examiner's 1992 and 1995 Unclassified Use Interpretations, (City of Yakima Interpretations INT#1-92, and INT#2-95), City of Yakima Comprehensive Plan 2025, Yakima Neighborhood Health's supplemental information, exhibits, testimony and other evidence presented at an open record public hearing held on March 25, 2015, and remand hearing of June 24, 2015; and a review of the Yakima Urban Area Zoning Ordinance; the Planning Commission makes the following:

FINDINGS

The amendment proposal to establish, further regulate or permit the use of "Mission" as defined by the City of Yakima Interpretations INT#1-92, and INT#2-95, and considered by the City of Yakima Planning Commission at its March 25, 2015, public hearing within the Yakima Municipal Code, Title 15 Urban Area Zoning Ordinance.

The requested changes are consistent with the Yakima Urban Area Comprehensive Plan by meeting the goals, objectives and policies of the Plan set forth in the General Development, Public Services, Land Use, Transportation, and Utilities Elements of the Comprehensive Plan.

The City of Yakima Planning Commission has studied the proposed issues and finds that the proposed ordinance amendment will not have an adverse consequence for adjacent jurisdictions or service providers. There are no regionally significant issues known related to the request; consequently, this request will not significantly contribute to the cumulative impacts of other Comprehensive Plan amendments, and/or zoning amendments.

This proposal meets the County-wide Planning Policies and intent of the Growth Management Act because it will provide appropriate land use controls which direct service providers of the homeless populations of Yakima to appropriate zoning districts within the City of Yakima that have the least impact on surrounding business, and residential neighborhoods.

YAKIMA PLANNING COMMISSION'S CONCLUSIONS

- a) The text amendment impacts the Central Business District, General Commercial, and Light Industrial zoning districts of the City.
- b) No significant adverse environmental impacts have been identified by the approval of the amendment request.
- c) The requested text amendment to the City of Yakima's Urban Area Zoning Ordinance is supported by the City of Yakima's Urban Area Comprehensive Plan 2025.
- d) The amendment to the Yakima Municipal Code, Title 15 Urban Area Zoning Ordinance, which includes, but is not limited to, a new definition in YMC § 15.02, and addition of a new land use category to YMC § 15.04 Table 4-1 Permitted Uses.
- e) The City of Yakima Planning Commission considered the issues raised by the Yakima City Council on remand at its June 24, 2015, meeting by: 1) considering additional testimony from business and property owners along N. 1st St. at two public study sessions, and one open record hearing, and 2) elevated the level of review of a "Mission" to that of a Type (3) Review.

- f) The City of Yakima Planning Commission concludes that increasing the level of review of a "Mission" use from a Type (2) to Type (3) Review process does not hinder a mission from locating within the CBD, GC, and M-1 zoning districts, but rather enhances the public's involvement in commenting on such applications.
- g) The City of Yakima Planning Commission further concludes that due to the impacts of a "Mission" on surrounding businesses, and residential neighborhoods that "Mission" uses should be required to enter into a development agreement between the City of Yakima and applicant/property owner.

MOTION

Based upon the analysis, findings and conclusions outlined above, it was moved and seconded that the Yakima Planning Commission recommend APPROVAL of the modified text amendment to the Yakima Municipal Code (YMC) Title 15, Urban Area Zoning Ordinance. The motion carried by unanimous vote.

Having made the above Findings of Fact and Conclusions, the Planning Commission hereby renders its:

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at public hearings, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the zoning Text Amendment application (TXT #001-15 & SEPA #007-15), and accompanying ordinance.

RECOMMENDED this 24th day of June, 2015.

By: 
Dave Fonfara, Chairman
Yakima Planning Commission